



# GOVERNOR'S OFFICE OF Planning & Budget

## FY 2022 / FY 2023 Agency Request for American Rescue Act Plan Funding - #9 Interpreter Services

The state of Utah will receive nearly \$1.4 billion from the American Rescue Plan Act (ARPA) Coronavirus State Fiscal Relief Fund and approximately \$136 million from the Coronavirus Capital Projects Fund. While the Utah State Legislature appropriated roughly \$570 million of first-tranche ARPA funding during the 2021 First Special Session, a significant share of Utah's ARPA resources will be prioritized in the Governor's FY 2022/FY 2023 Budget Recommendation Book. Agencies requesting ARPA appropriations should populate and upload this form to the Governor's Budget Recommendations website prior to September 24. Note that these stimulus funds are one-time, and as such, all requests must be for one-time uses that do not result in a structural imbalance of ongoing expenditures against one-time resources.

### **VISION:**

The vision for these funds is to make multi-generational investments that safeguard and fortify public health, and create the most inclusive, resilient, and prosperous economy in the nation. Agencies should follow these guiding principles for prioritizing preparing funding requests:

- Meets ARPA eligibility criteria.
- Fiscally prudent – Uphold Utah's stellar reputation for fiscal responsibility, maximize return on investment, maintain structural balance of ongoing revenues with ongoing spending, invest in the future economy, and avoid inflationary pressure.
- Enduring – Favor investments that solve an existing problem and provide an enduring benefit, considering the full cost of ownership.
- Targeted – Focus on people, industries, and locations that continue to suffer the greatest impact.
- Leverages non-state resources by partnering financially with other levels of government.
- Accountable – Measure and account through a publicly available scorecard.

### **ESTABLISHING ELIGIBILITY:**

The state must establish eligibility for each ARPA appropriation prior to spending ARPA funds. The Treasury has identified five main eligible uses for ARPA State Fiscal Relief Funds:

1. Supporting the public health response,
2. Addressing the negative economic impacts caused by the public health emergency,
3. Providing premium pay for essential workers,
4. Investing in water, sewer, and broadband infrastructure, and
5. Replacing lost public sector revenue.

Agencies should take the time to review Treasury resources (linked below) to identify which eligibility category each appropriation falls under, and develop sound reasoning for why the appropriation fits eligibility criteria. Since the state's

ability to replace lost public sector revenue will be limited, the project should be tied to other specific eligibility criteria whenever possible.

While the Treasury has not yet released details on the process for applying for ARPA Capital Projects Funds, we believe proposals will be accepted by the Treasury Department for critical capital projects directly enabling work, education, and health monitoring, including remote options, in response to the COVID-19 public health emergency.

**TREASURY RESOURCES:**

For more information on these funds please see the currently available resources from the Treasury’s main page for [Coronavirus State and Local Fiscal Recovery Funds](#):

- [Treasury’s Interim Final Rule](#)
- [Coronavirus State and Local Fiscal Recovery Funds Fact Sheet](#)
- [Coronavirus State and Local Fiscal Recovery Funds Frequently Asked Questions](#)
- [Compliance and Reporting Guidance](#)

**PROJECT OUTCOMES:**

Major projects must establish key performance measures. These measures will be reported annually to the federal government. Agencies should thoughtfully consider measurable project outcomes for each major project and work with their GOPB analyst to establish meaningful measures.

**APPROPRIATION INFORMATION AND ELIGIBILITY JUSTIFICATION:**

Agency:	Judicial Branch
Project Name:	Court Interpreters - Interpreting Equipment – (Requester Kara Mann)
Project Amount:	\$95,760

**1. Please provide a detailed description and timeline of the project that this appropriation will fund. How does this project support the state’s vision and guiding principles for using ARPA funding.**

Providing language access is essential, if not the very first step, for ensuring access to justice for limited English proficiency parties. The COVID-19 pandemic has negatively disrupted how Utah State Courts can provide language access while keeping court interpreters and limited English proficiency parties safe. As defined by the Department of Justice, limited English proficiency individuals are persons who do not speak English as their primary language and who may have a limited ability to read, write, speak, or understand English. Utah State Courts are federally required to provide language access for these individuals who come to court in order to place them on equal footing as someone who can read, write, speak or understand English.

Prior to the pandemic, the court interpreter would stand beside or slightly behind the party and render the interpretation. This allowed the interpreter to interpret at a low enough volume so as not to disrupt the court while still allowing for the party to hear the interpretation. Due to the pandemic, however, this standard practice cannot be used as it requires two individuals to stand close to each other and does not allow for social distancing. Additionally, court interpreters are allowed to remove their face masks while actively interpreting if it affects the rendering of the interpretation, which could increase the likelihood of transmitting the SARS-CoV-2 virus. And, to compound the issue, courts can compel individuals, including those with a limited English proficiency, to appear in court. As the courts must continue to provide language access, reconsideration on how to provide language access while safeguarding the public’s health is necessary.

Purchasing interpreting equipment, called multi-person listening devices, for each district and juvenile judge's courtroom in the state would allow the courts to ensure language access is provided in a safer environment. The equipment would help protect from the transmission of COVID-19 as it allows the court interpreter to simultaneously interpret directly to the limited English proficiency party through headsets while standing anywhere in the courtroom. Essentially, the equipment allows for social distancing to be maintained while still providing meaningful language access to the party.

In the fall of 2020, the courts received grant money from the Utah Bar Foundation that was earmarked specifically for Salt Lake County. Through that grant funding, interpreting equipment was purchased for each judge and commissioner in Matheson and West Jordan Courthouse. However, the COVID-19 pandemic has greatly affected all courts in each county of the state. Additional ARPA funding now would allow the courts to expand this project to ensure there is a statewide response to providing language access in a manner that supports the health and wellbeing of the limited English proficiency population in Utah.

Funding \$95,760 will permit the courts to purchase 72 sets of interpreting equipment; ensuring all courts beyond Salt Lake County can provide language access in a safe manner. Once this project is approved, the equipment will be ordered and it is expected delivery will take approximately six weeks. Utah State Courts' IT department will then program each of the 72 sets before handing them off to Kara Mann, the courts' Language Access Program Coordinator. Ms. Mann will assign each set to a courtroom, include instructions on how to use the equipment for each set, and arrange for the delivery of the equipment to each courthouse. In all, once this project is approved, the timeline is expected to take approximately eight to nine weeks before the equipment is available in courtrooms across the state.

While this project enhances the state's support of a public health response during the pandemic, it also provides enduring benefits for the limited English proficiency parties who go to court. In looking past the pandemic and the "new normal" that will arise afterwards, this project has numerous long-term benefits for both court interpreters and limited English proficiency parties. The interpreting equipment technology offers the long-term benefits of (1) allowing opposing parties to stay away from each other; (2) providing better conditions for hard of hearing limited English proficiency parties; (3) allowing a clearer interpretation for the limited English proficiency party as courtrooms can be noisy and interpreters now interpret in a low volume as not to disrupt the court; (4) allowing multiple limited English proficiency parties to hear the full interpretation at once; (5) lowering the personal safety risks for court interpreters from aggressive or volatile limited English proficiency parties; and (6) lessening the reliance the limited English proficiency party has on the court interpreter.

**2. What are the anticipated results or outcomes of this project? What are the output and outcome measures that will be used to measure the success of this project?**

Courts never know when a case may require a court interpreter because a party, witness, or victim has a limited English proficiency. As the courts begin in-person hearings and to address the backlog of jury trials, this equipment will be essential to safely providing language access across the state in district and juvenile courtrooms. Funding this project means a limited English proficiency party will receive the same caliber of language access no matter where in the state their case is heard. The interpreting equipment will ensure that district and juvenile courtrooms in the state will all have the capacity to offer safe language access whenever and wherever necessary for Utah's limited English proficiency population.

While measuring the safeguard of the public's health may be difficult, the courts can track the usage of the equipment as a marker to measure the effectiveness of this project. A log will be kept by each courthouse location to track the number of times each set of equipment is used for in-person proceedings. Although measuring the success of this

project may be difficult, it is a vital project to provide limited English proficiency individuals meaningful and safe access to Utah State Courts.

- 3. How does this project fit under the allowable uses of these federal funds as described in the Treasury's [Interim Final Rule](#)? Please be specific when explaining your reasoning, including direct text citations and other references from Treasury guidelines that support the justification that this project is eligible. *Note: Since the state's ability to replace lost public sector revenue will be limited, the project should be tied to other specific eligibility criteria whenever possible.***

Page 8 of the Interim Final Rule says "Payments from the Fiscal Recovery Funds may also be used by recipients to provide support for costs incurred in addressing public health and economic challenges resulting from the pandemic." This general guidance is supplemented by the specific use cases in Section 35.6 Eligible Uses (b) (1) (v) where it says "Expenses of...capital investments in public facilities to meet COVID-19-related operational needs;"

We believe the description provided in Q1 above provides a perfect match to the "capital investments in public facilities to meet COVID-19-related operational needs" eligible use case.